

**From:** [Lennox, Ursula](#)  
**To:** (b) (6)  
**Cc:** (b) (7)(C); [robert.pisek@ch2m.com](mailto:robert.pisek@ch2m.com); [bookster@embarqmail.com](mailto:bookster@embarqmail.com); [Denis.Ewing@CH2M.com](mailto:Denis.Ewing@CH2M.com)  
**Subject:** RE: restoration work on (b) (6) property (Distal 2 property)  
**Date:** Wednesday, June 5, 2013 5:10:50 PM

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Good Afternoon Mr. (b) (6),

Thank you for the attached response. Please know that I am keeping my Division Director (Mr. Carl Edlund), Management, and ODEQ counterparts up to date on your concern and the e-mails that we exchange. While you may view the process of raking the rocks straight forward, funding is still needed to perform any type of work on all properties, and a State match is needed on unrestricted properties. Please note that there is no breach in the contract between EPA and the Contractor, since the terms of the contract have been fulfilled. The terms included removing the waste from the property, facilitating chat sales, meeting the established remediation goals, grading the property to drain properly, and establishing vegetation. All of these items were accomplished on the Distal 2 property in 2011.

EPA's budget is extremely tight, but if we work together collectively, perhaps we can find an approach that will address the rocks on this property. Please contact me with any suggestions you might have, and I will contact you with any new developments that may become available.

Respectfully,

Ursula Lennox  
Remedial Project Manager  
U.S. EPA (6SF-RL)  
(214) 665-6743  
[Lennox.Ursula@epa.gov](mailto:Lennox.Ursula@epa.gov)

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**From:** (b) (6)  
**Sent:** Wednesday, June 05, 2013 1:31 PM  
**To:** Lennox, Ursula  
**Cc:** (b) (7)(C); [robert.pisek@ch2m.com](mailto:robert.pisek@ch2m.com); [bookster@embarqmail.com](mailto:bookster@embarqmail.com); [Denis.Ewing@CH2M.com](mailto:Denis.Ewing@CH2M.com)  
**Subject:** RE: restoration work on (b) (6) property (Distal 2 property)

Ms. Lennox: Thank you for your response. I still don't quite understand why the contractors can't be required to go back in with a rock rake and sweep the property clean of the large rocks that prevent mowing. The bottom line is that the contractors promised to remove rocks larger than 6 inches and they didn't, whether we, the land owners, inadvertently acquiesced in their leaving the property or not. That would, it seems to me, be a breach of their contract with EPA and the land owners, and it should be their responsibility to remedy that breach without further cost to EPA. I would ask Ms. (b) (7)(C) to forward this email to Carl Edlund since I don't have his email address. Thank You. (b) (6)

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From: [Lennox.Ursula@epa.gov](mailto:Lennox.Ursula@epa.gov)

To: (b) (6)  
CC: (b) (7)(C); [robert.plsek@ch2m.com](mailto:robert.plsek@ch2m.com); [bookster@embargmail.com](mailto:bookster@embargmail.com);  
[Denis.Ewing@CH2M.com](mailto:Denis.Ewing@CH2M.com)  
Subject: FW: restoration work on (b) (6) property (Distal 2 property)  
Date: Wed, 5 Jun 2013 00:10:18 +0000

Good Afternoon Mr. (b) (6),

Your patience in waiting for response from EPA is greatly appreciated. I have been out on sick leave due to surgery on May 7<sup>th</sup>, and I am desperately trying to catch up with my e-mails and responsibilities including a response back to you.

As expressed in previous exchanges, the soil below the existing surface in northeast Oklahoma is very low in organic content. While extensive amounts of source material was removed from the Distal 2 property, the clayey soil that remained was amended with 4 tons of mushroom compost per acre to help establish grasses. From that point forward soil amendments need to be added over the course of time to slowly build up organic matter. With respect to your question on "...why there was a prohibition against using borrowed offsite soil on remediation projects in Oklahoma...", it was determined from the findings in the Feasibility Study and extensive discussions with our Stakeholders that the volume of soil needed to backfill areas where unmarketable chat and contaminated soils were excavated would lead to a greater potential of environmental impacts. As a result, it was determined that soils would be rebuilt naturally using standard land preparations practices, such as ripping, contouring, addition of amendments, disking, fertilizing, planting, and seeding, until the excavated areas could sustain vegetation. All of these items were performed on the Distal 2 property.

EPA is facing major challenges in securing funding to address contaminated sites and complete work on sites where work has been suspended. In addition, we are unable at this time to address these sites until the State of Oklahoma is able to provide a ten percent match on funds needed to address these properties (i.e. unrestricted and fee properties, which includes Distal 2), in accordance with the terms of CERCLA Section 121(f), or if Settlement funds are secured. Settlement funds do not require a State match. Though these challenges exist, EPA is continuing to aggressively seek alternatives. Unlike the sites where work has been suspended, remediation on the Distal 2 property was completed-- with the property owner's concurrence--in 2011. However, EPA hears and understand your concern. Thus, should additional funding become available once the existing and evolving challenges are addressed, we will contact you to see what type of work we can perform together collectively, to remove the large rocks off of this property.

If you have traveled around the OU4 site, you may soon see some work occurring. This work is being performed on "Restricted, Trust, and Tribal" lands, which do not require a State match. To keep you and the community informed on site activities, fact sheets and bulletins will be provided. I will contact you should any new developments regarding Distal 2 occurs.

Respectfully,

Ursula Lennox  
Remedial Project Manager  
U.S. EPA (6SF-RL)  
(214) 665-6743  
[Lennox.Ursula@epa.gov](mailto:Lennox.Ursula@epa.gov)

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**From:** (b) (6)  
**Sent:** Monday, June 03, 2013 11:46 AM  
**To:** Lennox, Ursula  
**Cc:** (b) (7)(C); [robert.plsek@ch2m.com](mailto:robert.plsek@ch2m.com); [bookster@embarqmail.com](mailto:bookster@embarqmail.com)  
**Subject:** RE: restoration work on (b) (6) property

Ms. Lennox: Just a reminder that it has been 60 days and I have still not yet received the promised response to my letter of March 22, 2013. Thank for your consideration.

(b) (6)

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**From:** (b) (6)  
**To:** [lennox.ursula@epa.gov](mailto:lennox.ursula@epa.gov)  
**CC:** (b) (7)(C); [robert.plsek@ch2m.com](mailto:robert.plsek@ch2m.com); [bookster@embarqmail.com](mailto:bookster@embarqmail.com)  
**Subject:** RE: restoration work on (b) (6) property  
**Date:** Fri, 10 May 2013 19:12:41 -0500

Ms. Lennox: I am still here and wondering about the response alluded to by you in last line of the previous email from you. Thank you for your consideration. (b) (6)

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**From:** [Lennox.Ursula@epa.gov](mailto:Lennox.Ursula@epa.gov)  
**To:** (b) (6)  
**CC:** (b) (7)(C); [robert.plsek@ch2m.com](mailto:robert.plsek@ch2m.com); [Lennox.Ursula@epa.gov](mailto:Lennox.Ursula@epa.gov)  
**Subject:** RE: restoration work on (b) (6) property  
**Date:** Tue, 9 Apr 2013 16:44:13 +0000  
Good Morning Mr. (b) (6),

Thank you for forwarding the attached e-mails to me. As you know from the attached documents, EPA responded to your e-mails in a letter dated March 12, 2013 that was also shared with ODEQ, OIG, and CH2Mhill representatives. In response, you provided a follow-up letter (attached), that EPA has not yet provided a response, but one is forthcoming.

On April 4<sup>th</sup>, a site tour on the properties EPA has remediated was conducted for EPA's upper Management, and your family's property (Distal 2) was included in the tour.

The above items as well as the attached e-mails and documents capture the events that have transpired on Distal 2. These items and the Remedial Action Report that was develop on Distal 2 will be reviewed once again and Management will be briefed. Once these items are accomplished, a

response to your March 22, 2013 and recent e-mails will be provided. Should you have any questions before then, please call me. Have a pleasant day.

Ursula Lennox  
Remedial Project Manager  
U.S. EPA (6SF-RL)  
(214) 665-6743  
[Lennox.Ursula@epa.gov](mailto:Lennox.Ursula@epa.gov)

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**From:** (b) (6)  
**Sent:** Monday, April 08, 2013 7:32 PM  
**To:** Lennox, Ursula  
**Subject:** FW: restoration work on (b) (6) property

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From: (b) (6)  
To: (b) (7)(C)  
Subject: RE: restoration work on (b) (6) property  
Date: Mon, 8 Apr 2013 19:24:14 -0500  
Thanks so much, Ms. (b) (7)(C). From our conversation on the phone, it's clear you really understand our situation up here. If any of the recipients of this email want a copy of the letter I sent to Ms. Lennox at EPA, please let me know. I will gladly supply same. (b) (6)  
(b) (6)

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From: (b) (7)(C)  
To: (b) (6)  
Subject: RE: restoration work on (b) (6) property  
Date: Mon, 8 Apr 2013 22:42:58 +0000  
I wanted to let you know that I have raised your issues to the attention of the EPA Region 6 Superfund Director Carl Edlund. He was unaware of the issues prior to our conversation. I do not know what, if anything, he will do with the matter, but at least he is now aware there is a problem.

Regards,

(b) (7)(C)  
[Redacted Signature]

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**From:** (b) (6)  
**Sent:** Monday, March 04, 2013 12:39 PM

**To:** Lennox, Ursula; [bookster@embarqmail.com](mailto:bookster@embarqmail.com); Baumgarten, Gary; [scott.irving@ch2m.com](mailto:scott.irving@ch2m.com); [daniel.fuller@ch2m.com](mailto:daniel.fuller@ch2m.com); [robert.plsek@ch2m.com](mailto:robert.plsek@ch2m.com); (b) (7)(C)  
**Subject:** FW: restoration work on (b) (6) property

Ms. Lennox: I am forwarding the foregoing thread of emails to you, and others, at Mr. Plsek's request. I believe they are self-explanatory and should give you some idea of the situation I, as a landowner, find myself in. If you have any questions please respond to this email and I will be glad to supply you with any information I have. Long story short is that the work done at our site, though extensive, leaves us with a property that cannot be cultivated or used for grazing. We need someone to look into this. Thank you. (b) (6)

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**From:** [Robert.Plsek@CH2M.com](mailto:Robert.Plsek@CH2M.com)  
**To:** (b) (6)  
**CC:** [Terry.McElveen@CH2M.com](mailto:Terry.McElveen@CH2M.com)  
**Subject:** RE: restoration work on (b) (6) property  
**Date:** Mon, 4 Mar 2013 15:19:28 +0000  
**Mr.** (b) (6),

I hope you are doing well. Unfortunately, I do not have an update at this time. Please refer to Ursula Lennox, Remedial Project Manager U.S. EPA (6SF-RL) phone (214) 665-6743 [Lennox.Ursula@epa.gov](mailto:Lennox.Ursula@epa.gov) for future inquiries. Mrs. Lennox may have more information for you at this time.

Thanks,

Rob

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**From:** (b) (6)  
**Sent:** Friday, March 01, 2013 8:01 PM  
**To:** Plsek, Robert/MOK; (b) (7)(C) [bookster@embarqmail.com](mailto:bookster@embarqmail.com)  
**Subject:** RE: restoration work on (b) (6) property

Mr. Plsek: I'm requesting an update on our concerns. Last contact from you indicated your management was to submit information to EPA about said concerns. Anxiously awaiting word from you. The spring months about upon us and any further work out there will need to be done soon. (b) (6)

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**From:** [Robert.Plsek@CH2M.com](mailto:Robert.Plsek@CH2M.com)  
**To:** (b) (6)  
**Subject:** RE: restoration work on (b) (6) property  
**Date:** Wed, 9 Jan 2013 21:24:02 +0000  
**Mr.** (b) (6),

First of all Happy New Year and hope you have a great year!

As for the status of your property concerns, the EPA has requested some information from my management. My management is collecting and organizing this information then will be submitting to the EPA.

Thanks

Rob

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**From:** (b) (6)  
**Sent:** Tuesday, January 08, 2013 3:49 PM  
**To:** Plsek, Robert/MOK; (b) (7)(C) [bookster@embarqmail.com](mailto:bookster@embarqmail.com)  
**Subject:** RE: restoration work on (b) (6) property

Robert: Just wondering if there has been any movement on our request as outlined by the previous thread of emails? Thank you, (b) (6)

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**From:** [Robert.Plsek@CH2M.com](mailto:Robert.Plsek@CH2M.com)  
**To:** (b) (6); (b) (7)(C) [bookster@embarqmail.com](mailto:bookster@embarqmail.com)  
**Subject:** RE: restoration work on (b) (6) property  
**Date:** Tue, 4 Dec 2012 23:47:46 +0000  
**Mr.** (b) (6),

Thank you for speaking with me earlier on the phone. As I stated, I will forward this information to my management and the EPA and that we would get back with in regards to your concerns.

Have a pleasant evening.

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**From:** (b) (6)  
**Sent:** Tuesday, December 04, 2012 2:34 PM  
**To:** Plsek, Robert/MOK; (b) (7)(C) [bookster@embarqmail.com](mailto:bookster@embarqmail.com)  
**Subject:** restoration work on (b) (6) property

Robert Plsek, Construction Superintendent, CH2MHill Constructors, Inc., 12377 Merit Dr., Ste. 1000, Dallas, TX 75251; Robert: I am writing about the restoration work done by your company for the EPA on our property in Ottawa County, Oklahoma, which is about 3 miles east of Picher, OK., and sometimes described as the (b) (6) Mine. On completion of the work my brothers and I complained that there were too many large rocks scattered about the acreage which would make mowing and/or baling impossible. Nothing was ever done about this. It was seeded for grass but nothing has ever come up and it is now just a sea of ragweed. I talked to a local farmer, (b) (6), about cultivating it for row crops but after looking at it he didn't believe it was farmable and declined the offer. He's a reliable and successful farmer in this area and has hundreds of acres under cultivation and so his opinion is credible. Before the work was done we could at least graze cattle on part of it and there were several meadows of blue stem prairie hay that could be baled. Now we don't even have that. We would like to discuss this problem with you and pursue possible avenues that might help rectify this predicament. Please respond when you can. I am also sending a copy of this email to (b) (7)(C) who is with the (b) (7)(C) as well to my brother and co-owner of the property, (b) (6). Thank you. (b) (6).